

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Autoscribe Corporation §
§
Plaintiff, §
§
v. § Case No.: 2:23-cv-00349-JRG
§
Repay Holdings Corporation and Repay § JURY TRIAL DEMANDED
Holdings, LLC §
§
Defendants. §
§

**JOINT (AGREED) MOTION FOR ENTRY OF DOCKET CONTROL ORDER AND
MOTION TO CONSOLIDATE FOR PRETRIAL PURPOSES**

Plaintiff Autoscribe Corporation and Defendants Repay Holdings Corporation and Repay Holdings, LLC file this Joint Motion for Entry of Docket Control Order in the above-captioned case. The agreed proposed Docket Control Order, attached hereto as Exhibit A, reflects the parties' agreement to consolidate the pretrial schedule of the related case, *Autoscribe Corp. v. Fortis Payment Systems, LLC*, C.A. No. 2:23-CV-00364 (the "364 Case") with this case.

By previous Order in this case (Dkt. 27), the Court, having found good cause, has granted the modification of the deadline to Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) to January 16, 2024. The attached proposed Docket Control order reflects that modification. Further, the parties are presently in the process of negotiating an agreed protective order between all parties (including those in the 364 Case) and request the additional time to finalize agreement on all terms such that an agreed order may be submitted to the Court and align the date with the already-extended deadline for Initial and Additional Disclosures.

The parties by this motion further propose to consolidate the 364 Case with this action. The 364 Case involves the same plaintiff, the same patent, and overlapping issues of law and fact, for

all pretrial purposes. The parties believe they have good cause to request and have such granted, because the consolidation of schedules in the two actions will decrease duplicative pretrial decisions, conserve resources of the parties, and promote the judicial efficiency and the administration of justice of the Court, avoiding unnecessary costs or delays. Accordingly, the parties respectfully request that the Court consolidate the 364 Case with this case for all pretrial purposes pursuant to its authority under Federal Rule of Civil Procedure 42(a), with all filings to be filed in this case as lead case.

Having agreed upon the terms included therein and shown good cause, the parties respectfully request the Court grant this Motion and enter the Proposed Docket Control Order, attached as Exhibit A, and further consolidate the 364 Case with this matter.

Dated: December 18, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 18, 2023, a true and correct copy of the foregoing document was served via electronic delivery to all counsel of record.

/s/ Jason McManis

Jason McManis

CERTIFICATE OF CONFERENCE

The parties have met and conferred on December 11, 12, and 14, 2023 to discuss the relief requested in this Motion. This motion is agreed and filed jointly by the parties.

/s/ Jason McManis

Jason McManis